

REMARKS

Claims 30-50 remain in the application and have been rejected. Applicant respectfully requests reconsideration of the pending claims.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action has rejected claims 30-57 under 35 USC 103(a) as being unpatentable over Thompson, et al. (“A Standards-based XML Schema Implementation Comparison Framework,” HCRC Language Technology Group, World Wide Web Consortium, paper presented at Extreme Markup Languages 2001, August 14-17, 2001, hereafter “Thompson”) in view of Thompson, Henry S., “W3C XML Schema Test Collection, “ W3C, Jan. 16, 2002 (hereafter “Schema Tests”) and further in view of test results from Microsoft on complex type elements (hereafter “Microsoft Complex Type Test Results”). In purportedly rejecting claim 30 the Office Action reads the cancelled claim 1 but not claim 30 as introduced in the prior amendment (see page 3 of the Office Action). Applicant therefore requests that claim 30 be considered.

Similarly, claim 31 is rejected but the canceled claim 4 is quoted (note the dependence on claim 3 of the quoted claim language). Claim 32 is rejected with a quote of canceled claim 6 with a dependence on claim 32. Claim 33 was rejected but with a quote of claim 7, not claim 33.

Claim 34 is not quoted but the rejection of that claim does not refer to any of the

limitations of claim 34. Similarly the rejection of claims 35-37 appears to be rejections of different claims. In any case, claims 35-37 are dependent on claim 30 and may derive their patentability from the parent claim.

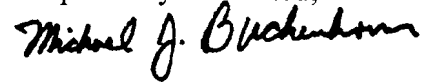
The discussion of claim 38 refers to a claim dependent on canceled claim 18 when in actuality claim 38 is dependent on claim 30. Similarly, the language quoted in the case of claim 39 refers to claim 1 whereas claim 39 is actually dependent on claim 30. Also similarly, the rejection of claim 40 refers to claim 20 whereas claim 40 is actually dependent on claim 30.

Claims 41-51 are dependent on claim 30 and there is no discussion in the Office Action of the actual language of claim 30. Therefore, rejection of the dependent claims requires discussion of claim 30.

With respect to claims 52-57 the Office Action states that “the claims reflect similar limitations to those in rejected claims 30-37, therefore, the claims are rejected under similar rationale.” Office Action at page 10. Unfortunately, as noted above, the rejection of claims 30-37 did not discuss the actual language of those claims. Finally, the Office Action states: “Applicant’s arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.” Applicant agrees that the arguments are moot but respectfully disagrees on the reason. The actual reason is that those claims have been canceled.

For the foregoing reasons, Applicant respectfully requests reconsideration of the rejection of the pending claims.

Respectfully submitted,



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